(4) C.P. 104

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 1382 /2004

(Petition under article 226/227 of the Constitution of India)

PETITIONER : **Babulal**, aged about 54 years, S/o Daddi, at present working as a Haulage Khalasi in the office of B-Seam Colliery, Hasdeo Area, South Eastern Coalfields Limited, Distt. Koriya, C.G.

P. R. No. 1413/04
Presented by Shri Vishnu Kr. Shukla
dated 15-Sep-04

VERSUS

RESPONDENTS : 1) M/s South Eastern Coalfields Limited Through the Chairman cum Managing Director, South Eastern Coalfields Limited, Seepath Road Bilaspur,(C.G.)

2) Deputy Chief Personnel Manager, Hasdeo Area, South Eastern Coalfields Limited, Distt. Koriya, C.G.

3) Superintending (M) Manager, B. Seam Colliery, S.E.C.L. Jhagrakhand Sub Area, Distt. Koriya, C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE A WRIT OF MANDAMUS, ORDERS AND DIRECTIONS ETC.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(36)

(35)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP No. 1382 / सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.05.2004

Shri Vishnu Kosta, counsel for the petitioner.

Shri Vinod Deshmukh, counsel takes notice on behalf of the respondents.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 14.02.2004 (Annexure P-7) whereby respondent No.3 had issued the notice to the petitioner informing him that he shall stand retire from the services w.e.f. 31.05.2004.

The petitioner's case is that he is working as Haulage Khalasi in the office of the respondents' w.e.f. 21.05.1969 and as per the service record & computerized pay slip his date of birth is recorded as 01.07.1945, in provident fund record his date of birth is recorded as 01.07.1947 and as per school transfer certificate his date of birth is recorded as 02.01.1950 and since 1987 the petitioner submitted many representations for corrections in the record but the respondents have not carried out any correction in the service record. The petitioner has also made representation to the effect that he is prepared to appear before the medical board for determination of his age but even then respondents have not responded and contrary to that respondent No.3 issued the notice dated 14.02.2004 (Annexure P-7) whereby he informed the petitioner that he shall stand retire from the services w.e.f. 31.05.2004.

I have heard learned counsel for the parties.

(36)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submitted that as per the copy of service book of the petitioner in Column No.6 his date of birth has been shown as 01.07.1945, as per his school transfer certificate (Annexure P-2) his date of birth is 01.02.1950 and in the official record of the respondents, as per the computerized pay slip (Annexure P-6) his date of birth has been recorded as 01.07.1945 and contrary to the record the respondents are retiring him.

Learned counsel for the respondents submitted that in view of the conflicting dates of birth in the various places, the matter may be referred to the Age Determination Committee to which learned counsel for the petitioner has no objection.

Having heard the learned counsel for the parties, having regard to the facts and circumstances of the case and having regard to the documents submitted by the petitioner and looking to the representations made by the petitioner the respondents ought to have decided the representation of the petitioner and ought to have referred the matter to the Age Determination Committee but unfortunately that has not been done, therefore, the respondents are directed to refer the matter of the petitioner to the Age Determination Committee for determination of the age of the petitioner within a period of 15 days from today and in turn the Age Determination Committee shall decide the age of the petitioner as early as possible after going through the relevant service record of the petitioner as well as other documents submitted by him and if necessary, the Age Determination Committee will be entitled to

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	get the petitioner medically examine for determination of his age and the decision of the Age Determination Committee shall be final. It is made clear that the respondents will not retire the petitioner from the services till the decision of the Age Determination Committee. With the aforesaid directions, the writ petition stands disposed of. Consequently, M.W.P. No.1232/2004 & I.A. Nos. 3081/04 & 3082/2004 also stands disposed of. Certified copy as per Rules. **Sd/-** **L.C.BHADOO** **Judge**	

Roshan/-